

EXHIBIT 6

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

MEI KUM CHU, SAU KING CHUNG, and QUN
XIANG LING, individually and on behalf of all others
similarly situated,

Plaintiffs,

- against -

CHINESE-AMERICAN PLANNING COUNCIL
HOME ATTENDANT PROGRAM, INC.,

Defendant.

Index No. 651947/2016

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Defendant Chinese-American Planning Council Home Attendant Program, Inc. (“CPC”), by its undersigned attorneys, hereby appeals to the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, from the Decision and Order on Motion of the Supreme Court of the State of New York, County of New York, the Honorable Carol R. Edmead, J.S.C., dated February 9, 2021 (“Order”). Notice of entry was served on February 9, 2021. This appeal is taken from each and every part of the Order as well as from the whole thereof. A true and accurate copy of the Notice of Entry of dated February 9, 2021, and of the Order, is annexed hereto as Exhibit A.

Dated: New York, New York
February 11, 2021

Respectfully submitted,

By: /s/ Kenneth Kirschner
Kenneth Kirschner
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Attorneys for Plaintiffs

Supreme Court of the State of New York

Appellate Division: Judicial Department

Informational Statement (Pursuant to 22 NYCRR 1250.3 [a]) - Civil

Case Title: Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.		For Court of Original Instance
Mei Kum Chu, Sau King Chung, Qun Xiang Ling, <div style="text-align: center;">Plaintiffs,</div> <div style="text-align: center;">- against -</div> Chinese-American Planning Council Home Attendant Program, Inc., <div style="text-align: center;">Defendant. </div>		Date Notice of Appeal Filed
		For Appellate Division
Case Type	<input checked="" type="checkbox"/> Civil Action <input type="checkbox"/> CPLR article 75 Arbitration	<input type="checkbox"/> CPLR article 78 Proceeding <input type="checkbox"/> Special Proceeding Other <input type="checkbox"/> Habeas Corpus Proceeding
Filing Type	<input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Original Proceedings <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Labor Law 220 or 220-b <input type="checkbox"/> Public Officers Law § 36 <input type="checkbox"/> Real Property Tax Law § 1278	
Nature of Suit: Check up to three of the following categories which best reflect the nature of the case.		
<input type="checkbox"/> Administrative Review	<input type="checkbox"/> Business Relationships	<input type="checkbox"/> Commercial
<input type="checkbox"/> Declaratory Judgment	<input type="checkbox"/> Domestic Relations	<input type="checkbox"/> Election Law
<input type="checkbox"/> Family Court	<input type="checkbox"/> Mortgage Foreclosure	<input type="checkbox"/> Miscellaneous
<input type="checkbox"/> Real Property (other than foreclosure)	<input checked="" type="checkbox"/> Statutory	<input type="checkbox"/> Taxation
<input type="checkbox"/> Transferred Proceeding		<input type="checkbox"/> Torts
<input type="checkbox"/> CPLR Article 78		
<input type="checkbox"/> Executive Law § 298		
<input type="checkbox"/> CPLR 5704 Review		

Informational Statement - Civil

Appeal			
Paper Appealed From (Check one only):		If an appeal has been taken from more than one order or judgment by the filing of this notice of appeal, please indicate the below information for each such order or judgment appealed from on a separate sheet of paper.	
<input type="checkbox"/> Amended Decree <input type="checkbox"/> Amended Judgement <input type="checkbox"/> Amended Order <input type="checkbox"/> Decision <input type="checkbox"/> Decree	<input type="checkbox"/> Determination <input type="checkbox"/> Finding <input type="checkbox"/> Interlocutory Decree <input type="checkbox"/> Interlocutory Judgment <input type="checkbox"/> Judgment	<input type="checkbox"/> Order <input type="checkbox"/> Order & Judgment <input type="checkbox"/> Partial Decree <input type="checkbox"/> Resettled Decree <input type="checkbox"/> Resettled Judgment	<input type="checkbox"/> Resettled Order <input type="checkbox"/> Ruling <input checked="" type="checkbox"/> Other (specify): Decision & Order on Motion
Court: Supreme Court ▼	County: New York ▼		
Dated: 02/09/2021		Entered: 02/09/2021	
Judge (name in full): Hon. Carol R. Edmead		Index No.: 653250/2017	
Stage: <input checked="" type="checkbox"/> Interlocutory <input type="checkbox"/> Final <input type="checkbox"/> Post-Final		Trial: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury	
Prior Unperfected Appeal and Related Case Information			
Are any appeals arising in the same action or proceeding currently pending in the court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please set forth the Appellate Division Case Number assigned to each such appeal. 2020-04603 Where appropriate, indicate whether there is any related action or proceeding now in any court of this or any other jurisdiction, and if so, the status of the case: There is a related action in the Southern District of New York styled Chan v. Chinese-American Planning Council Home Attendant Program, Inc., No. 15-cv-09605 (LGS).			
Original Proceeding			
Commenced by: <input type="checkbox"/> Order to Show Cause <input type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus			Date Filed:
Statute authorizing commencement of proceeding in the Appellate Division:			
Proceeding Transferred Pursuant to CPLR 7804(g)			
Court: Choose Court		County: Choose County	
Judge (name in full):		Order of Transfer Date:	
CPLR 5704 Review of Ex Parte Order:			
Court: Choose Court		County: Choose County	
Judge (name in full):		Dated:	
Description of Appeal, Proceeding or Application and Statement of Issues			
Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed. Defendant/Appellant ("CPC") appeals a Decision and Order granting Plaintiff's application for leave to reargue, granting restoration of this action (which was previously dismissed) to active status and granting leave for Plaintiffs to amend their complaint more than four years after Plaintiffs were on notice of the deficiency in their pleading.			

Informational Statement - Civil

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

On appeal, CPC will argue that:

1. The Supreme Court erred in restoring this case to the active calendar because the reason it was stayed (and then dismissed) is the pendency of another overlapping litigation. That litigation is still pending, meaning that CPC will be forced to defend the same claims in two fora simultaneously.
2. The Supreme Court erred in permitting Plaintiffs to amend their complaint nearly five years after the action was first filed, and more than four years after Plaintiffs were first put on notice of the defect in their complaint that they now seek to cure.

Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

No.	Party Name	Original Status	Appellate Division Status
1	Mei Chu	Plaintiff <input type="checkbox"/>	Respondent <input type="checkbox"/>
2	Sau Chung	Plaintiff <input type="checkbox"/>	Respondent <input type="checkbox"/>
3	Qun Ling	Plaintiff <input type="checkbox"/>	Respondent <input type="checkbox"/>
4	Chinese-American Planning Council Home Attendant Program, Inc.	Defendant <input type="checkbox"/>	Appellant <input type="checkbox"/>
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Attorney Information

Instructions: Fill in the names of the attorneys or firms for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

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Party or Parties Represented (set forth party number(s) from table above): No. 4

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Address:

City:

State:

Zip:

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E-mail Address:

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City:

State:

Zip:

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Party or Parties Represented (set forth party number(s) from table above):